



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/674,672

09/30/2003

Marcus Kellerman

14973US02

5006

23446 7590 01/04/2010
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

SCHNURR, JOHN R

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

01/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,672	Applicant(s) KELLERMAN ET AL.	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 09/08/2009. Claims 1-29 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 09/08/2009 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pgs. 14-16) that Novak (US 2002/0104099) discloses "two distinct roles for user within the media system," the examiner respectfully disagrees. As has been previously explained the upload source 122 and set top box 152 can be the same device ([0061]). The distinction between uploaders and users is for explanation purposes only and it is clear from Novak's complete disclosure that the two roles can be played by the same device, stb 152.

In response to applicant's argument (Remarks pg. 16) that Novak does not disclose "receiving authentication information associated with a first user of the first communication device, and facilitating a display of a user-defined selection from the media content by the first communication device in a user-defined layout," the examiner respectfully disagrees. Novak requires a password to view the synthetic channel ([0084]) and the synthetic channel is arranged by the user ([0063]).

In response to applicant's argument (Remarks pgs. 16-18) that Novak does not disclose "the software platform is operable to push the media content arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location,"

Art Unit: 2421

the examiner respectfully disagrees. Novak teaches the upload device schedules broadcast of the synthetic channel which is received by other users ([0084]). The synthetic channel is sent from the upload device to the other users via intermediate devices as is inherent in a network. The claim limitation “directly via the communication network” must include intermediate devices receiving the personal media or there would be no “communication network.”

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-29** are rejected under 35 U.S.C. 102(e) as being anticipated by **Novak (US Patent Application Publication 2002/0104099)**.

Consider **claim 1**, Novak clearly teaches a system for supporting multiple users of a communication device (**Fig. 1**), comprising:

a first communication device communicatively coupled to a communication network at a first geographic location; (**Fig. 3: STB 308 is coupled to the Internet 302, [0045].**)

media content disposed in the communication network or the first communication device (**Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].**), the media content comprising personal media; (**The content is user created, [0062].**)

a software platform residing on the first communication device (**[0077]**), the software platform receiving authentication information associated with

Art Unit: 2421

a first user of the first communication device, (**Fig. 11: Access to the synthetic channel can be password protected, [0084].**) and facilitating a display of a user-defined selection from the media content by the first communication device (**Fig. 11: Block 114, [0085]**) in a user-defined layout (**Fig. 7: The user defines the layout of the display, [0063].**), wherein the software platform is operable to push the media content

arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location, (**Fig. 7: The content is broadcast from the upload device to the end user, [0064]-[0065].**) and wherein the selection from the media content is defined by the first user (**[0062]**) and corresponds to the received authentication information. (**Only authorized users can view the content, [0084]**)

Consider **claim 2**, Novak clearly teaches the communication network comprises one or more of a third party media server, a media storage server, a broadband access headend, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure. (**[0045]**)

Consider **claim 3**, Novak clearly teaches the communication network comprises the Internet. (**Fig. 3: Internet 302, [0045]**)

Consider **claim 4**, Novak clearly teaches each of the first and second communication devices comprises one or more of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a display, and/or a remote control. (**Fig. 3 STB 308**)

Consider **claim 5**, Novak clearly teaches the media content comprises one or more of third party media content, user-created media content, digital video, digital images, digital audio, documents, files, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and/or on-demand movies. (**[0039]**)

Consider **claim 6**, Novak clearly teaches the software platform performs on the media content one or more of accessing, sending, constructing the user-defined layout of the media content, displaying, text overlaying, voice overlaying, channel naming, managing authorship rights, managing media rights, managing billing services, and/or integrating the user-defined selection into the user-defined layout. (**[0077]-[0086]**)

Art Unit: 2421

Consider **claim 7**, Novak clearly teaches the user-defined layout comprises a channel view layout. **(Fig. 8)**

Consider **claim 8**, Novak clearly teaches the software platform can process a plurality of user-defined selections from the media content. **(The user selects media to view, [0085].)**

Consider **claim 9**, Novak clearly teaches each user-defined selection corresponds to a user-specific authentication information. **(Only authorized users may access the media content, [0084].)**

Consider **claim 10**, Novak clearly teaches the authentication information comprises one or more of a pin code, a voice key code, and/or a password. **([0084])**

Consider **claim 11**, Novak clearly teaches the consumption at the second geographic location comprises displaying the media content to the second user at the second geographic location. **([0070])**

Consider **claim 12**, see claim 1.

Consider **claim 13**, Novak clearly teaches the at least one processor sends the user-defined selection to the first communication device for display in the user-defined layout. **(Content is uploaded to a server in a user-defined layout, [0078].)**

Consider **claim 14**, Novak clearly teaches the at least one processor determines whether to send the user-defined selection to the second communication device communicatively coupled to the communication network. **(Subscribed end users receive the EPG 153, [0080].)**

Consider **claim 15**, see claim 4.

Consider **claim 16**, Novak clearly teaches a system for supporting multiple users of a communication device, comprising:

- a first display communicatively coupled to a first communication device, the first communication device associated with a first user;
- a second display communicatively coupled to a second communication device, the second communication device associated with a second user;

(Fig. 1: STB 152 is connected to TV 154, [0032]. Fig. 3: There are multiple STBs 308.)

Art Unit: 2421

a communication network communicatively coupled to the first communication device and the second communication device; **(Fig. 3: All STBs 308 are communicatively coupled to the Internet 302, [0045].)**

media content disposed in one or more of the communication network, the first communication device and/or the second communication device; **(Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].)**

a software platform residing on the first communication device **([0077])**, the software platform is operable to receive information relating to a user-defined selection from the media content **(Fig. 11: Block 114, [0085])** and push the media content arranged in a user-defined layout, directly via the communication network to the second communication device, for consumption at the location of the second communication device **(Fig. 7: The content is broadcast from the upload device to the end user, [0064]-[0065].)** and wherein the selection from the media content is defined by the first user **([0062])** and corresponds to authentication information received from the first user. **(Only authorized users can view the content, [0084])**

Consider **claim 17**, see claim 2.

Consider **claim 18**, see claim 7.

Consider **claim 19**, see claim 4.

Consider **claim 20**, see claim 5.

Consider **claim 21**, see claim 6.

Consider **claim 22**, see claim 11.

Consider **claim 23**, see claim 13.

Consider **claim 24**, see claim 7.

Consider **claim 25**, see claim 8.

Consider **claim 26**, see claim 9.

Consider **claim 27**, Novak clearly teaches the limitations in common with claims 1, 12 and 16. Further it is inherent in Novak that a second password maybe entered to access a second media content.

Consider **claim 28**, Novak clearly teaches the first user-defined layout and the second user-defined layout comprise a channel view layout. **(Fig. 8)**

Consider **claim 29**, see claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2421

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS